Mr. M. N. Paramesvaran Pillai: May I know from the member how many shops have been resold by the Commissioner on that ground?

Mr. C. O. Madhavan: The number must be large.

President: The time allowed for the demand has expired.

Moved that the total allotment of Rs. 6,12,826 under demand VII be omitted.

The motion was put to the vote of the House and lost.

President: I put to the vote of the House Demand VII—Excise Department for Rs. 6,12,826

The motion was carried.

The grant was made.

DEMAND VIII—ADMINISTRATION OF JUSTICE.

Mr. Kayalam Paramesvaran Pillai (*Additional Head Sirkar Vakil*): Sir, I rise to move for a grant not exceeding Rs. 10,76,241 under Demand VIII—Administration of Justice.

Mr. J. John Kattakayam: സർ, നീതിന്യായം നടത്തുന്നതിനായി മുമതലപ്പെടുത്തിയിട്ടുള്ള കോടതികൾ കുറെക്കാലമായി അതിൽനിന്നും വ്യതിചലിച്ചുകൊണ്ടിരിക്കയാണ്. സിവിൽകോടതിയിലുള്ളതുണ്ടോപോലും കൈയ്ക്കൂലിവാങ്ങിക്കുന്ന എന്നുള്ള ഒരു പഴഞ്ചൊല്ല കാരണവന്മാരുടെ കാലംമുതൽക്കേ ഉള്ളതാണ്. പരിഷ്കാരം വരുമ്പോൾ അതിനൊരു ലാഘവംവരുമെന്നു ഞങ്ങൾ വിചാരിച്ചുവെങ്കിലും പ്രതിദിനം അതു അനാശാസ്യമായ വിധത്തിൽ വർദ്ധിച്ചുവരുന്നതായിട്ടാണു കാണുന്നതു. ഏതു സംഗതിക്കായി കച്ചേരിയിൽ പോയാലും കാര്യം നടക്കണമെങ്കിൽ കാശു ചിലവാക്കാതെ സാധിക്കുകയില്ല. അവിടെനിന്നു ലായും ചട്ടവും പറയുന്ന ആളിനു വാസ്തവത്തിൽ പരാജയമാണു ഫലം. ഹൈക്കോടതിമുതൽ കീഴ്ക്കോടതിവരെ നോക്കിയാൽ മുമതല ബോധത്തോടുകൂടി നീതിന്യായം നടത്തുന്ന ഒരു കോടതിയും ഇവിടെ കാണ്മാനില്ലെന്നുകാണാം. അതിനാൽ ഈ കോടതികളെ സംബന്ധിച്ചുള്ള മതിപ്പും വിശ്വാസവും ബഹുമാനവും നാൾക്കുനാൾ കുറഞ്ഞുകുറഞ്ഞു വരികയാണു ചെയ്യുന്നതു. നിയമത്തേയും വിധികളേയും ആസ്പദമാക്കി യാതൊന്നും പ്രവർത്തിക്കുന്നില്ല. തന്നിമിത്തം നിയമത്തേയും വിധികളേയും ആശ്രയിച്ചു നില്ക്കാൻ ഒരു പൊതുജനം നിവൃത്തിയില്ലാതായിരിക്കുന്നു. ഇങ്ങനെയായാൽ നീതി എങ്ങനെ നടക്കുമെന്നു ആർക്കും നിശ്ചയിക്കുവാൻവയ്യാ.

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ഏതെങ്കിലും തരത്തിൽ കുറെക്കൂടുതൽ കേസ്സുകൾ തീർക്കണമെന്ന് ഒരു വിചാരമല്ലാതെ രാജ്യത്തു ശരിയായി നീതിനടത്തണമെന്ന നീതി ന്യായാധിപന്മാർക്കു വിചാരമുള്ളതായി കാണുന്നില്ല. ഇതു സകല കോടതികളിലും കാണുന്നുണ്ട്. സിവിൽനടപടി നിയമമനുസരിച്ച് ഒരു വ്യവ്യയിൽ കുറഞ്ഞപക്ഷം മൂന്നുഭാഗമുണ്ടായിരിക്കണം. അവ ഒന്നാമതു വാദമുഖങ്ങൾ രണ്ടാമതു് ഓരോവാദമുഖങ്ങളിലുമുള്ള തീർച്ച, മൂന്നാമതു് ഇങ്ങനെ അവ ഓരോന്നിനും തീർച്ചചെയ്യുന്നതിനുള്ള കാരണം, ഇവയാണ്. ഇതൊന്നും വാസ്തവത്തിൽ ഒരു വിധിയിലുമില്ല. ഹൈക്കോടതികളിൽ തന്നെയും ഇവയെല്ലാമുള്ളതായി എത്ര ശതമാനം വിധികൾ ഉണ്ട്. അപ്രകാരം ഒരു ജഡ്ജ്മെൻറ് എഴുതാൻ എന്താണു വിഷമം. മറ്റു കോടതികൾക്കെല്ലാം മാതൃകയായിരിക്കുന്ന ഹൈക്കോടതി വിധികളിൽപോലും ഈ തത്വങ്ങളൊന്നും കാണുന്നില്ല. ഇതിനെപ്പറ്റി ഒരന്വേഷണം നടത്തിയാൽ അതിന്റെ ഫലം ആരേയും ഭയപ്പെടുത്തുകതന്നെ ചെയ്യും. വക്കീലന്മാരുടെ വാദമുഖങ്ങൾ എന്തെല്ലാമാണെന്നു വിധിയിൽ വിവരിച്ചാൽ വിധി എഴുതുമ്പോൾ സമാധാനംപറയണം. വാദമുഖങ്ങളെപ്പറ്റി ജഡ്ജ്മെൻറിൽ പറയണമെന്നുണ്ട്. കേസ് കേൾക്കുമ്പോൾ വാദമുഖങ്ങളൊന്നും എഴുതാറില്ല. തന്നിമിത്തം അവർക്കു തോന്ന്യവാസമായ വിധത്തിൽ ജഡ്ജ്മെൻറ് എഴുതാൻ കഴിയും. സാധാരണ ഒരപ്പീൽകൊണ്ടു ചെന്നാൽ "ഈ ഹർജി സംഗതിയിൽ ഒന്നുമില്ല, അല്ലെങ്കിൽ അപ്പീലിൽ ഹർജി തള്ളിയിരിക്കുന്നു" ഈ അപ്പീൽ തള്ളിയിരിക്കുന്നു, എന്നെഴുതും. ചിലപ്പോൾ അതു പിടലിക്കുപിടിച്ചുതള്ളുന്നതുപോലെ വെറും തള്ളുമാത്രമായിരിക്കും. ഇങ്ങനെ ബഹുമാനപ്പെട്ട ഹൈക്കോടതിതന്നെ ചെയ്താൽ പിന്നെആരാണു ചോദിക്കുന്നത്. അതുമല്ലെങ്കിൽ ഇങ്ങനെയുള്ള വിധികൾകൊണ്ടു തൃപ്തിപ്പെടണം. "കേൾപ്പോരും കേൾവിയുമില്ല" എന്നു മാത്താണ്ഡവർമ്മയിലെ ശങ്കുആശാൻ പറഞ്ഞതരത്തിലാണ് ഇന്നു സംഗതികൾ നടക്കുന്നത്. ഇതിലേക്കുദാഹരണമായി ഒന്നുരണ്ടു ഹൈക്കോടതിവിധികളെപ്പറ്റി പറയാം. ഒരു കേസ്സിൽ "അപ്പീൽ തള്ളുന്നതിന് ഞാൻ യോജിക്കുന്നു; എങ്കിലും ഏറ്റവും മടിയോടും സാശയത്തോടുംകൂടിയതെ" എന്നാണു ഹൈക്കോടതി ഉത്തരവു്. (റി. എൽ ജെ ൨൨൦ വാല്യം ൧൮ ൩-ാം വശം നോക്കുക.) അദ്ദേഹത്തിന്റെ പിടലിക്കുപിടിച്ച് അതെങ്കിലും ഇങ്ങനെ എഴുതണമെന്നു നിർബന്ധിച്ചോ എന്നാണു ഞാൻ ചോദിക്കുന്നത്. അയാളെന്തിനു സംശയിക്കുന്നു. മടിയോ

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[Mr. J. John Kattakayam.]

ട്ടും സംശയത്തോടുംകൂടിതന്നെപോലുള്ള ഒരാളിന്റെ അഭിപ്രായത്തോടുയോജിക്കുന്നതു ശരിയൊ? തന്റെ അഭിപ്രായങ്ങളും സംശയങ്ങളും രേഖപ്പെടുത്തുന്നതിൽ എന്തുവിഷമമാണുള്ളതു് എന്നു എനിക്കു മനസ്സിലാകുന്നില്ല. ഇവരാണൊ നീതിന്യായാധിപന്മാർ എന്നു ഞാൻ ചോദിച്ചു കൊള്ളുന്നു.

Mr. A. N. Visvanatha Pillai (*Quilon cum Karunagapally*): T. L. J. 22-387-ൽ പറയുന്നതെന്താണു്?

Mr. J. John Kattakayam : സമയം പരിമിതമാണു്. അതു മനസ്സിലാക്കുവാൻ മെമ്പർക്കു താണു യില്ലെങ്കിൽ പിന്നീടു ഞാൻ മനസ്സിലാക്കിത്തരാം.

പിന്നെ ഒരു കേസ്സിൽ ഒരു ജഡ്ജി "എന്റെ സഹോദരൻ പ്രതിപാദിച്ചിരിക്കുന്ന ലാപായിൻറിനെ സംബന്ധിച്ചു് എനിക്കു വളരെ സംശയമുണ്ടു്. എന്നാൽ ഈ കേസ്സിലെ സല വളരെചുരുങ്ങിയതാകകൊണ്ടു കേസുതള്ളുന്നതിനു ഞാൻ യോജിക്കുന്നു" (റഫ. എൽ. ജെ. ഉ-ാംവാല്യം ന്റെ ാംവശം നോക്കുക) ചിരട്ടയിലെ വെള്ളം എറുമ്പിനു സമുദ്രം എന്നു പറയുന്നതുപോലെ അതിലെ കക്ഷിക്കു് ഈ പെറിയസല ഒരു വലിയ കാര്യമായിരിക്കും. ഈ കക്ഷി എങ്ങനെയുള്ളവനായിരിക്കുമെന്നു ഭീമമായമാസപ്പടി പ്രതിമാസംപററി മണിമേടകളിൽ രാജസോചിതമായ ആഡംബരാദികളോടുകൂടി സുഖലോലുപനായി അലസതാവിലസിതരായി അധിവസിക്കുന്ന ഈ നീതിന്യായാധിപന്മാർ അറിയുന്നുണ്ടോ? കഷ്ടം! കഷ്ടം! ശരിയായ നീതിനടത്തുമെന്നുള്ള വിശ്വാസത്തോടുകൂടി ന്യായം ബഹുമാനപ്പെട്ട ഹൈക്കോടതിയെ ആശ്രയിച്ചതിന്റെ ഫലം ഇതാണോ? കാരുണ്യനിധിയായ മഹാരാജാവുതിരുമനസ്സിലെ പ്രതിനിധിയാണു് അവിടെ ഇരിക്കുന്നതു. മഹാരാജാവുതിരുമനസ്സിലേക്കു എല്ലാസംഗതികളും തീരുമാനിക്കാൻ സാധിക്കാത്തതുകൊണ്ടല്ലേ കോടതികളെയും ജഡ്ജിമാരെയും വച്ചിട്ടുള്ളതു്? സ്വ, ഭീമമായ ശമ്പളവും പററി ആകാശം ഇടിഞ്ഞുവീണാലും നീതിനടത്തണമെന്നുള്ള മുദ്രാവാക്യവും പിറകിൽ എഴുതിവച്ചുംകൊണ്ടു് ആർഭാടമായി പാചിച്ചുപോരുന്ന നീതിന്യായക്കോടതികളുടെസ്ഥിതി ഇത്തരത്തിലായിത്തീർന്നാൽ ജനങ്ങളുടെ രക്ഷ എവിടെ? ഇവർ ഇവിടെ എന്തിനിരിക്കുന്നു എന്നാണു ഞാൻ താണുവീണുകേണു ഗവണ്മെൻറിനോടു ചോദിക്കുന്നതു. ശരിയായ പ്രാഥമികബോധത്തോടുകൂടി പൂർണ്ണവിധികർത്തൃത്വം എഴുതിത്തീർക്കുന്ന കേസുകളുടേയും അല്ലാത്തവയുടേയും ഒരു കണക്കെടുക്കുന്നതിനു ഒരു വിദ

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ശുകമ്മിററിയെ നിയമിച്ച ഒരു റിപ്പോർട്ടവരുത്തിയാൽ നമ്മുടെ നീതിന്യായക്കോടതികളുടെ പൂച്ച വെളിയിൽ തെളിയുന്നതാണു. കേവലം എണ്ണം കാണിക്കുവാൻ വേണ്ടി ചില്ലറകേസുകളെല്ലാംകൂടി തിരഞ്ഞെടുത്തു ഇരട്ടവാക്കു വിധിയെഴുതി തള്ളുന്നതിനു ഈ വലിയ ചിലവു നികുതിദായകന്മാർ സഹിക്കണമോ എന്നാണു ഞാൻ ചോദിക്കുന്നതു. ഇവിടെ എത്രയൊ കമ്മിററികൾ ഏർപ്പെടുത്തി റിപ്പോർട്ടും വരുത്തി വച്ചിട്ടുണ്ടു. അവയെല്ലാം സൂര്യരശ്മി കാണാതിരിക്കുകയാണു. ഈ നിവാരണക്കമ്മററിറിപ്പോർട്ടും തഥൈവതന്നെ. ഇതും അതുപോലെ ആകാതിരുന്നാൽ കൊള്ളാം. നീതിന്യായാധിപന്മാർ ബോധിച്ചതുപോലെ വിധിയെഴുതുകയാണെങ്കിൽ കക്ഷികളും വക്കീലന്മാരും എന്തിനു ബുദ്ധിമുട്ടുന്നു എന്നു ഞാൻ ചോദിച്ചുകൊള്ളുന്നു. അതിലേക്കു നിയമം ആവശ്യമുണ്ടോ? കുറെ മദ്ധ്യസ്ഥന്മാരെവച്ചു കേസു തീർക്കുന്നതു ഇതിലും ഭേദവും കാര്യക്ഷമതയുള്ള പണ്ടാരവുമായിരിക്കും.

ക്രിമിനൽകോടതികളുടെ കാര്യം ഇതിലും കഷ്ടമാണു. കീഴ്ക്കോടതിയിൽനിന്നും ശരിയായ തെളിവു വാങ്ങിവിട്ട പ്രതിയെ ബഹുമാനപ്പെട്ട ഹൈക്കോടതിയിൽനിന്നും ശിക്ഷിച്ചു വിധി പ്രസ്താവിച്ചിരിക്കുന്നു. വിധി തെററാണെന്നുവന്നപ്പോൾ ജഡ്ജ്മെൻറു മാറി എഴുതി. ഇങ്ങനെയുള്ള ഒരു സംഗതി രണ്ടു കൈയുംനീട്ടി കൈക്കൂലിവാങ്ങുന്ന കീഴ്ക്കോടതിപോലും ചെയ്യുമോ?

ഹൈക്കോടതിജഡ്ജിമാരെ ബ്രിട്ടീഷ് ഇൻഡ്യയിൽ എക്സിക്യൂട്ടീവു കൌൺസിലിൽ എടുക്കുന്ന പതിവില്ല. ഇവിടെ അങ്ങിനെയും എടുക്കാറുണ്ടു. ഹൈക്കോടതിയിൽ ഇരിക്കുന്ന നീതിന്യായാധിപന്മാർ പൊതുജനങ്ങളുമായിട്ടിടപെടേണ്ടവരല്ല. ഈ നയത്തെ അടിസ്ഥാനമാക്കിയാണു ബ്രിട്ടീഷ് ഇൻഡ്യയിൽ ഇങ്ങനെ ഒരു പതിവു പാടില്ലെന്നുവച്ചതു. ശരിയായ നീതിന്യായം നടക്കണമെങ്കിൽ ന്യായാധിപന്മാർക്കു ബാഹ്യലോകവുമായി ബന്ധമുണ്ടായിരിക്കരുതു്. മറുദ്യോഗസ്ഥലോകവുമായി ഇവർ ഇടപെട്ടാൽ ഹൈക്കോടതി ജഡ്ജിമാരെ ദിവാൻജിമാരാക്കുന്ന പതിവുള്ളതുകൊണ്ടു അവർ സേവയ്ക്കുംമറ്റും നിന്നു അവരുടെ ആദർശത്തെ നശിപ്പിക്കുന്നു. നീതിന്യായാസനത്തെ വ്യഭിചരിപ്പിക്കുകയും വ്യതിചലിപ്പിയ്ക്കുകയും ചെയ്യാതിരിക്കണമെങ്കിൽ ഇവരെ ഒരിക്കലും എക്സിക്യൂട്ടിവുലയിനിൽ നിയമിക്കുവാൻ ഇടയാക്കരുതെന്നു ഗവണ്മെൻറിനെ സാദരം ഉൽബോധിപ്പിച്ചുകൊള്ളുന്നു. ഇവിടത്തെ ചീഫ് ജസ്റ്റിസിൻെറ ജ്യേഷ്ഠൻെറ മകളുടെ ഭർത്താവിനു് ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്ന

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[Mr. J.John Kattakayam.]

തിനു സന്നദ്ധകൊടുത്തിട്ടുണ്ട്. ജഡ്ജിമാരുടെ സ്ഥാനം ആളകാം അവരുടെ ബഞ്ചിൽ വ്യവഹരിക്കുവാൻ പാടില്ലെന്നു സിവിൽകോർട്ട് ഓർഡിനൻസ് തന്നെ ഉണ്ട്. അല്ലെങ്കിൽ ഇല്ലെന്നു നിയമശാസ്ത്ര പാരാവാര പാരംഗതനായ പണ്ഡിതൻ ലാമെംബർതന്നെ പറയട്ടെ. ഇങ്ങിനെ പല അനാശാസ്യ സംഗതികളും ഇവിടെ നടക്കുന്നുണ്ട്. തിരുവനന്തപുരത്തെ രണ്ടാംബഞ്ചിൽ ഒരു കേസ് ഹീയറിംഗ് കേട്ടിട്ട് ഒരുകൊല്ലം കഴിഞ്ഞിട്ടും ഇതുവരെ തീർച്ചയുണ്ടായിട്ടില്ല. അതെന്തൊരധർമ്മമാണ്?

Mr. M. Govindan (*Nominated*): അതു ഏതു കേസിലാണ്?

Mr. J. John Kattakayam: എനിക്കു സമയമില്ല. പിന്നീടുപറയാം. സിവിൽകോടതികളിലെ ഉദ്യോഗനിയമനവിഷയത്തിലും മറ്റും മുമ്പൊക്കെ ഹൈക്കോടതിയുടെ സൂപ്പർശയിനിന്മേലാണ് ഗവണ്മെൻറു നിയമനം നടത്തികൊണ്ടിരുന്നതു്. ഉപ്പോൾ ഹൈക്കോടതിയുടെ അഭിപ്രായം പോലും ചോദിക്കാതെ ഗവണ്മെൻറു തീരുമാനങ്ങാം ചെയ്യുവരുന്നു. ഇതു ഒട്ടും ശരിയല്ല. വർഗീയമായ നിയമനങ്ങൾ കാര്യക്ഷമമായ ഭരണത്തിനു എപ്പോഴും പ്രതികൂലമാണെന്നുള്ള അഭിപ്രായക്കാരനാണു ഞാൻ (മി. പ്ര. ബാലകൃഷ്ണൻതമ്പി, ഹിയർ, ഹിയർ). ഞാൻ അങ്ങിനെയുള്ള നിയമനങ്ങളെ എപ്പോഴും പ്രതിഷേധിച്ചുകൊണ്ടു ഇരിക്കുന്നവനുമാണു. നീതിനടത്തണമെങ്കിൽ അവർ വിവേചന ശക്തിയോകൂടി കാര്യം നടത്തുന്നവരായിരിക്കണം. വർഗീയമായ നിലയിൽ ഹൈക്കോടതിയിൽ പെരുമാറുന്ന നയം ഒരിക്കലും ശരിയല്ല.

Mr. Komilezhathu Sanakran (*Nominated*): ഹൈക്കോടതിയിൽ അങ്ങിനെ നടന്നതായിട്ടു വല്ല ലക്ഷ്യവും മെമ്പർക്കു ചൂണ്ടിക്കാണിക്കാമോ?

Mr. P. Padmanabhan Tampi: Sir, I beg to oppose this demand. In opposing this demand in the first meeting of the Budget Session, I pointed out that the working of the judiciary was unsatisfactory and that corruption was rampant. At that time I had opposition from the opposite bench and got only feeble support from this side of the House. I am glad to say that my opinion is supported by strong non-official side. Mr. T. K. Velu Pillai, a leading member of the bar, and who is at present the Deputy President of the Legislative Assembly, pointed out that "inefficiency is the prominent characteristic of almost all the departments of the State." He pointed out as an example our High Court. He concluded by saying "if the judiciary is so inefficient what are we to say about the other departments." He added that the judiciary needs looking into.

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Mr. M. Govindan : Sir, a point of order. Is it in order to refer to the speeches of members in the other House quoting them at length ?

Mr. P. Padmanabhan Tampi : I never referred to the other House

Sir, again. Mr. P. K. Narayana Pillai, a retired High Court Judge and leading member of the bar, said ....

President : Now you are coming to the point, mentioning only names and speeches made on some other platforms and not exactly in the Assembly Hall.

Mr. P. Padmanabhan Tampi : He said that there was a deep under current of mistrust about the justness and efficiency of our law courts and he further said that there was no public confidence in the judiciary. He added that Government could not be indifferent about it and that it ought to be their endeavour to remove it. Sir, another honourable member of this House, Mr. G. Narayana Aiyar, pointed out that the confidence in the judiciary was on the decline. Well, when I moved this subject before, the Law Member wanted specific instances about corruption and inefficiency of our law courts. Mr. John Kattakayam asked a series of questions concerning certain judgments of our High Court in C. R. P. 536 of 1108 and my friend Mr. John Kattakayam referred to that judgment in his speech also The facts appear to be like this. In a case on the file of the Vilavankod Second Class Magistrate, the accused were acquitted. The party aggrieved, namely the prosecution, preferred a criminal revision petition, No.536 of 1108, before the High Court. A Full Bench heard the petition and the proceedings seem to be dated 13th Chingam 1110. The Proceedings seem to have ended with 31st Chingam 1110. In the meantime, warrants were issued to the accused through Vilavankod and Thiruvattar Police Stations for the realisation of a fine of about rupees 80 for six persons ; a fine of Rs. 15 for four and Rs. 10 for two each. The party paid the fine and on 22-1-1110 obtained the receipts with the seal of the High Court and with the Registrar's signature. When the party applied for the copy of judgment in the High Court, he found that the conviction was not entered in the judgment. It was a remand order. The party was dragged again to the Magistrate's Court for retrial. His plea was that he was convicted once in the High Court and that he could not be tried again. He produced the receipts and cited the Registrar to prove those receipts. Summons was ordered by the Magistrate but refused subsequently on the ground that the receipts are public documents and needed no proof. At last the party was again convicted on the ground that the receipts

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[Mr. P. Padmanabhan Tampi.]

are not proved. This is a disgrace. Sir, there are only three possibilities in this case. Either the parties concerned must have forged the signature of the Registrar with the seal of the HighCourt; or the Registrar before the final proceedings issued warrants and realized the amount which may amount to extortion or there must be something wrong with the judgments. The less said about subordinate judges the better. Sir, it is high time for the Government to appoint a commission to look into the working of our judiciary. Then again, Sir, I have got more than 30 years' practice in the courts and I am speaking from my own experiences that statements of witnesses are never read to them after they are taken. But in every deposition you will find that "the statement is read and found correct." This is deliberate falsehood practised by almost all courts of our State. I can quote many instances of judicial jugglery. It may look very bad. I only earnestly request the Government, at the earliest possible opportunity to appoint a Judicial Enquiry Committee to see the actual working of the judiciary and to remove all the defects from it.

Mr. K. P. Nilakanta Pillai: Sir, I also beg to oppose this demand. Sir, it is the atmosphere, the free atmosphere that prevails within the four walls of this House that emboldens me to make some remarks about the judicial administration of this State. If they are uttered outside the four walls of this House, I should be hauled up for contempt of court. Anyhow, the situation demands a bit of plain speaking in the matter. Sir, I will before beginning my speech proper, refer to some of the extracts of the Government order reviewing the Judicial Administration of the State for the year 1110.

It runs as follows :—

"There was again a rise in the number of suits pending for more than two years, their number being 5,969 in 1108, 6,042 in 1109 and 6,375 in 1110. While the average duration of contested ordinary suits showed a fall from 493 days in 1109 to 486 days in 1110, that of uncontested ordinary suits showed a rise from 126 days in 1109 to 136 days in 1110.....

This is one statement. Again I refer to another passage:—

"The work of the Munsiffs was on the whole far from satisfactory. Government would again draw the attention of the High Court to this matter with a view to improve the situation"

Another extract from page 2 of the report also may be referred to. The statement shown there reveals that "the quality of the work of the District Judges and Second Judges has been steadily going down from year to year"

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Having read these extracts, Sir, and having brought to the attention of the House similar extracts, embodied in the review of the Judicial Department report year after year, I do not understand the significance of these remarks passed by Government from year to year. What is the meaning of all these when the working of the Judicial Department is found to be deteriorating and when nothing is done by Government by way of enhancing the reputation of the department. We know the method of recruitment for some years till recently. The Government, I am very sorry to say, adopts a lap-dog policy in the matter of appointing and selecting officers to fill vacancies in the Judicial Department. When that policy has been adopted by Government consistently what is the meaning in saying that the judiciary is inefficient? The work turned out by it is deteriorating year after year. They are selecting incompetent men to fill very responsible places in the judiciary and subsequently turn upon them and say "you are good-for-nothing." How can they improve without sufficient equipment? How is it possible? Even after repeated warnings, how can they improve? It is impossible from the very inherent weakness of this selection.

Now, I am coming to more practical issues. The country as a whole knows what is the question of law decided with reference to a particular point by the High Court. If the High Court it working properly, if the Munsiffs as well as the Judges of the District Courts go against the decisions of the High Court what action is generally taken? They are given a very free hand. The Munsiffs and Judges do not agree with the Full Bench decision of the High Court. Therefore, a variety of judgments come into existence. Nobody seems to be responsible for these matters.

Mr. M. Govindan: May I know from the member whether he advocates a disciplinary action and punishment for not following precedents?

Mr. K. P. Nilakanta Pillai: I am absolutely incompetent to make any suggestions. And about the responsibility with which judges discharge their duty an instance may be cited.

A case was heard in the court. Records were sent to the judge. A judgment was written and it was annouced in the court. But, unfortunately the records were with the judge. Subsequently it was found out and the judge thinking that he had not written the judgment wrote another judgment and the result was, there were two judgments, one allowing, and the other disallowing, the appeal. Is there any surprise that this sort of lamentable cries are raised before this House? The Government must take seriously these matters and look into the affairs of the judiciary of this land.

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[Mr. K. P. Nilakanta Pillai.]

Then about corruption. Sir, is there any officer in the department who is not corrupt? Probably among the High Court and District Court Judges there may be a few exceptions. But it is not an exaggeration to say that ninety per cent. of the officers, including the subordinates in the department, is corrupt.

Mr. Komilezhathu Sankaran: Do vakils practising in various civil courts encourage corruption?

Mr. K. P. Nilakanta Pillai: Vakils have nothing to do with corruption.

Sir, there is no use of saying that that department is corrupt and this department is corrupt. There is absolutely no use in saying that. Now, the defects in the recruitment and the method followed in promotion cause serious heartburning in the efficient officers already in service and therefore they are tempted to become corrupt. Corruption cannot be rooted out unless Government take very stringent action. If certain officers are allowed to receive bribes, then why not all officers be allowed to do so. What is the use served if 90 per cent. of the service is dishonest and ten per cent. honest. Sir, things have advanced in this State without any control or restraint; the officers of the judiciary go on receiving bribes and the time has now come to stop all these things. Therefore I request the Government that these matters may be very seriously looked into. If the judicial administration is corrupt, I fear what the administration of other departments is going to be. If some serious action is not taken the country is not going to be prosperous; and the consequences the Government must be prepared to meet.

Mr. G. Narayana Aiyar: Sir, I also oppose the demand. Even the review of the administration of the Judicial Department by the Government themselves shows as was read by my previous speaker, that there is serious disapproval of the disposal of cases by the District Judges, Second Judges and Munsiffs although there is nothing stated about the disposal of cases by the High Court. On the whole since the Government themselves have been forcedto make this unsatisfactory remark on the work of the Judicial Department we can presume that there is complete dissatisfaction over the work of the judiciary.

At this stage the President left the Chair and Mr. M. Govindan, one of the Penal of Chairmen, presided.

Sir, in my humble opinion there are two reasons for the dissatisfaction. One is the serious heartburning and disappointment of capable officers in the service whose claims have been

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overlooked recently on more than a dozen occasions. Sir, if an officer in the service who aspires to be promoted or to become the head of the department by his merit and is working satisfactorily is disappointed each and every time his turn comes for promotion and if the place is taken by somebody else, and if this goes on for several times, where will be the incentive for the officer to work honestly? This is one of the reasons for the deterioration of the service. The other reason in my humble opinion is the want of care that has been bestowed upon the selection of the officers. In this connection I have to make a statement for the kind concern of the House and that is that the Government are unnecessarily or unduly interfering even in the suggestions of the High Court in the matter of appointments. We have heard of days when the Judges of the High Court have resigned their judgeships to maintain their prestige. Now there are Judges whose only idea is to see that their position is secured whatever be the inroads made on their rights and liberties. If they cannot assert their independence as was done before, I submit, Government ought to be blamed. Government are too much interfering in the matter of appointment of Judges. Sir, it has now become evident that the test for the appointment of judicial officers is not efficiency or capacity but something else. Unless Government change their policy of selection of judicial officers and appoint only competent men, no matter whatever their salary, we cannot expect satisfactory disposal of justice. When the Government do not wish to pay sufficient attention to this important point there is no use in blaming that the officers of the Government are not functioning satisfactorily. The Administration Report at page 66 says, Sir, "that the Courts are absolutely free from any sort of interference on the part of the executive authorities." I ask the Government, is that position maintained now? It happens to be a dead letter there.

Now I will quote one instance where we see the executive is very seriously interfering with the independence of the judiciary. I wanted to bring this fact to the notice of Government on another occasion. In the administration report of the Excise Department for 1110, in dealing with the various causes for the fall in revenue, the Excise Commissioner says "the third difficulty arises from the award of low punishment. Government are being addressed separately on the subject". Has the Magistrate no discretion in giving punishments? It is this statement that establishes the fact that the judiciary is not independent of the executive. Sir, the judiciary must be independent of the executive. Unless the judiciary is given complete freedom and the High Court is left free in

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[Mr. G. Narayana Aiyar.]

the matter of appointments and selection of judicial officers there will absolutely be no remedy for the existing defects.

Sir, again it is seen that an officer who has been selected and appointed as a judge in the High Court from a distance of 10,000 miles, i. e., from London, has been transferred to another department. What is the necessity of getting that officer and what is the necessity for diverting him to some other work? What does it show? It only shows that Government are not very much interested in the administration of justice. That is not sound.

In this connection I may also refer to one or two circumstances that are of absolute importance. There is the Agriculturists' Relief Bill pending consideration. Side by side with the existing courts, that Bill contemplates the establishment of Conciliation Boards. It is highly necessary that the High Court should be referred to in this matter whether side by side with the civil courts there should exist other courts also. If so what is the jurisdiction of the board? Will the Government be able to refund the court fees on existing suits that are taken before the boards? When the Bill becomes law and the new courts are established, occasions may also arise when court fees already paid will have to be refunded as there are certain provisions in the Bill that give retrospective effect. Refund of court fees and refund of income-tax collected will have to be made. I think a reference to the High Court in such an important matter is highly advisable, instead of Government themselves deciding the matter. Even in the matter of executing foreign decrees serions questions may arise in the light of the Bill as it is now amended.

Mr. M. N. Paramesvaran Pillai: Sir, in connection with this demand for the Administration of Justice, I wish to emphasise upon a few points for the careful consideration of Government. We are now aware of several instances in which judicial officers in our State, after retirement, have attempted to practise at the bar. It may be, that they do so with a desire to supplement their resources with such income as they may manage to get at the bar; or it may be that they badly want some engagement to keep them occupied after their return from the haven of public service so that the weariness and gloominess of seclusion after retirement may not have their ravaging effects upon their health. Whatever that be, we are not concerned with their desire or motive. We are concerned more with the profession as such and also the administration of justice. The retired judicial officers, when they begin to practise at the bar have for obvious reasons certain advantages in their favour.

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Mr. Komilezhathu Sankaran: Does the member refer to retired judicial officers of the High Court?

Mr. M. N. Paramesvaran Pillai: Yes, particularly the Judges of the High Court. When such individuals begin to practise in courts presided over by judges who might have been their colleagues or subordinates, the position will be certainly embarassing. After all, the presiding officers are also human beings with human weaknesses. In the nature of things the personal equation will irresistibly assert itself far too frequently. Those honourable members of the House who belong to the legal profession may know how administration of justice is very often interfered with when such persons appear in cases before judges who were either their colleagues or subordinates. At any rate, other members of the legal profession with no such vantage ground will no doubt be justified in complaining that the competition is unfair and unequal. The magnitude of the evil and the demoralising consequences of allowing these retired judicial officers to practise in courts are well known to every member of the bar. It is no wonder that the Travancore High Court Vakils' Association passed a resolution some time ago inviting Governmental interference to prevent these retired officers from practising as lawyers in the Courts of Travancore. It is the bar that is always competent to pronounce a correct opinion in this matter and by the above resolution it has emphatically pointed out the corrupt and demoralising effect that the system has upon the administration of justice in the land.

Mr. S. Piraviperumal Pillai: Don't they give the benefit of their experience to the litigant public?

Mr. M. N. Paramesvaran Pillai: They may have chamber practice.

Sir, the principles on which the objection is based have been recognised by the Secretary of State for India and the Government of India in the rule which requires that every permanent High Court Judge in India should give an undertaking that after his retirement he will not practice before the High Court to which he is appointed. It is in recognition of this principle that Mr. P. R. Das, Ex-Judge of the Patna High Court and brother of the late lamented Mr. C. R. Das, was prevented from practising as a lawyer. The matter went up to the Privy Council and Their Lordships also expressed their concurrence with the High Court as to the soundness of the rule.

In the paramount interest of the proper and efficient administration of justice, I would, therefore, appeal to Government to make necessary rules to prevent retired judges from practising in

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courts, although there are very strong and cogent reasons in favour of total exclusion of all retired officers drawing pension from Government or other public bodies from the bar. Almost for similar reasons have they not enunciated a rule which is still in force, *viz.*, that no relation of a judge shall appear before him in any case? Public confidence in the judiciary is of absolute importance in all civilized countries. I, therefore, expect that this matter will receive the earnest attention of Government.

Sir, the frequent importation of foreigners and outsiders as Judges of the High Court has a very great demoralising effect on the administration of justice in the country. No wonder that honorable members like Mr. Padmanabhan Tampi, come to this House and say that the subordinate judiciary often comes up for much adverse public criticism and is also accused of even corruption. We are really at a loss to understand why the Government of His Highness the Maharaja should think of importing men from outside as Judges of the High Court when there are numerous sons of the soil practising at the bar, before whom none of those new recruits could ever hope to hold a candle for a moment. Sir, our fear is that in these matters His Highness the Maharaja is not being correctly and properly advised. What is the meaning of creating four grades of Judges in the High Court—one on Rs. 1,500, another on Rs. 1,250, a third on Rs. 1,100, and the fourth on Rs. 900. I do not think that our State is so poor and barren of talents that our Government should always look to or indent upon the services of superannuated and retired persons in foreign service and meekly submit to the unreasonable terms dictated by them. The whole thing looks scandalous and smacks suspicion. There is considerable force in what a friend of mine has said when he heard of the recent appointment in the High Court. He remarked, "Well, Sir, there are now two Chief Judges in our High Court—one at the top and the other at the bottom". Perhaps the Government want the High Court to move like a railway train going up a hill with two engines, one in the front and the other connected at the back so that, the train may get the desired momentum. But the public wish that, between the two old engines, the puisne ones do not stand the risk of being crushed.

Sir, there is a serious complaint that the claims of the members of the bar are not recognised in the matter of recruitment to the judiciary. The policy of making recruitments from among the Sirkar Vakils to the cadre of District Judges and High Court Judges has been detrimental to the interests of the bar. There is no justification for treating the Sirkar Vakils, for whom provision

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is made for salary, pension, leave allowances and all the privileges under the Travancore Service Regulations, as members of the bar in the matter of appointment as judges. In fairness to the bar, the Sirkar Vakils should always be classed along with the officers of the judicial Department in regard to the question of recruitment as judges.

There is yet another vicious policy followed by Government which we have to note with great disapproval. When there are numerous Sirkar Vakils we cannot really understand the policy of Government in engaging private practitioners for conducting Sirkar cases on payment of high fees. In answer to one of the interpellations put at the last session a list of such private practitioners specially engaged by Government for conducting their cases has been furnished to this House and the Chief Secretary made an attempt to support the action of Government on the ground that such engagements were necessitated by the fact that Sirkar Vakils could not find time to conduct those cases. That was again an attempt to hoodwink the House, for we practitioners at the bar, know full well that these engagements were given when the Sirkar Vakils were either without any work or were conducting cases of private parties.

Sir, the efficiency and tone of our Magistracy have to be improved, for it is on the Magistracy that the freedom, safety and the well-being of society depend to a large extent. The recruitment to our Magistracy is now made mostly from the clerical staff of the Secretariat and the Account Office. These clerks have only theoretical knowledge of law and they have no experience in the practical application of law and procedure I think I will not be misunderstood by my friends in the Secretariat and the Account Office when I say that it is on account of such inexperienced hands being recruited to the Magistracy that the work of the appellate and revisional courts is increasing. On a previous occasion, on the floor of this House, I have pointed out the evils of appointing inefficient and inexperienced hands to the posts of Munsiffs and Judges in the Judicial Department. The same evil exists here on account of the present policy followed by Government in the matter of recruitment. I shall quote one or two instances to illustrate my position. In a recent criminal case, a Second Class Magistrate who was recruited from the Account Office has chosen to give a decree to the complainant. The facts arose like this. It was a case of mischief and theft. The accused cut and removed a few leaves from a palmyra tree belonging to the complainant. The complaint was lodged before the Magistrate's Court; and this particular Magistrate, while recording a finding that the occurrence was

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true, nevertheless acquitted the accused on the ground that the complaint was for a trivial matter. And in the concluding portion of the judgment the Magistrate decided that the complainant may recover from the accused the cost of the palmyra leaves. Another instance of the evil of direct recruitment of clerks and such others to the Magistracy either as Stipendiary Magistrates or as Division Assistants was seen in connection with the Quilon *Krishna Jayanthi* procession. From the proceedings relating to that affair, published by Government in the Gazette, I find that the Ag. District Magistrate of Quilon was censured for his ignorance of law. The Ag. District Magistrate appears to have stated that he did not know when he should give an order to open fire against a crowd. What is the meaning of directly recruiting raw clerks from the Secretariat and the Account Office, who have not got sufficient qualification and experience? I will close with one other interesting anecdote. There is even now one Magistrate recruited from the Account Office who, when he goes to the Court, used to ask the vakils appearing on the prosecution side to sit on one side and the defence vakils on the other. The reason stated by him is that he cannot follow the arguments if the vakils sit together. There is also another eccentricity with this Magistrate and that is, he used to call the defence vakil to answer then and there every point advanced by the prosecution. Sir, such patronage in appointments should not be shown at the sacrifice of public interest, safety and well-being.

Another important point which I wish to repeat in this session also is that the judiciary should be made independent of the executive, or in other words, the administration of justice in the State should be unaffected by any interference from Government. All over the world, it is the nature of the judiciary that determines whether the Government of a particular country is good or bad. In a country where the judiciary is not independent but is servile to the executive, we cannot expect any good Government. In such a corrupt form of judiciary the people will have absolutely no confidence, and without a high degree of confidence in the integrity of the judiciary administration of justice is impossible and will be a thorough failure. Sir, the tradition of law has been one of impartiality. In order that this hoary tradition may be preserved in its prestine purity, we must see that our judiciary is made independent of the executive.

Mr. S. Piraviperumal Pillai: Sir, the Law Member is now asking us for a sum of Rs. 10,76,241 for the Administration

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of Justice next year. The question is whether we should grant this amount or not. In considering that question the two points that have to be looked into are (i) whether the amount asked for is necessary for the next year, and (ii) whether justice is administered in the manner in which it ought to be administered and whether we are getting full work for the money we grant. Sir, as one representing the Commerce and Industry Constituency, I am afraid that I have to say 'No' on both these points. This amount does not seem to be necessary ; and administration of justice is not carried on in the manner in which it ought to be.

Sir, we, traders, are put to considerable difficulty and hardship on account of the delay in getting justice. Sir, there is a hackneyed proverb that justice delayed is justice denied. Therefore, Sir, justice is being denied to us.

Mr. M. N. Paramesvaran Pillai : Does not the disposal of cases require time ?

Mr. S. Piraviperumal Pillai : I do not think for the disposal of justice there must be delay.

As I said, Sir, we are put to considerable difficulty on account of this delay. Suits filed several years ago have not yet been taken up for judgment. Sir, our difficulties are numerous ; and I do not think, within the short time at my disposal, I shall be able to advert to all of them. I shall anyhow refer to just one or two instances.

Contested suits are now adjourned for months together ; and there seems to be no limit for the number of such adjournments. I would therefore request that orders be issued to post contested cases day after day.

Another matter which I would like to refer to is the circular, issued by the High Court to the subordinate courts, regarding minimum monthly disposals. Although such a minimum has been prescribed in regard to the disposal of original and appeal suits, no minimum is prescribed for the disposal of execution cases. And, recently, the High Court has also issued another circular that courts should not hurry up executions. Taking advantage of this circular, courts concentrate their attention on the disposal of original and appeal cases and do not pay any attention to execution cases.

Mr. Sayed M. Bava (*Nominated*) : തെളിവിനെ സംബന്ധിച്ചു നിലവിലിരിക്കുന്ന നിയമം കോടതികളിൽ കേസു തീരുന്നതിനു കാലതാമസംവരുത്തുന്നതായിട്ടു മെമ്പർക്കറിയാമോ?

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Mr. S. Piraviperumal Pillai: I know that, Sir.

I was submitting, Sir, that the disposal of execution cases is not cared for at all. Sir, that fact is clearly borne out by the report of the department itself. The number of execution cases disposed of in 1109 was 1,25,139, while for 1110, it was only 1,13,311. Therefore there has been a decline; and it has been like that in the previous years also. I would therefore suggest the following remedy. Instead of leaving the whole of the execution work to the first bench in the District Court, it may be distributed to all the benches; and the High Court may be requested to issue a circular fixing a minimum for execution cases also.

Mr. Kayalam Parameswaran Pillai: Sir, various points have been raised in the debate on this demand. I shall first deal with the most important among them. That relates to inefficiency and corruption in the judiciary. Sir, that is a serious charge, and I may say at once that I do not at all accept it At the same time I do recognise, Sir, that this charge has been made from various quarters in this House and that as such it must be deemed to come from responsible quarters and to have been made with a sense of responsibility. If these criticisms had been accompanied by more particularisation, I could have straightaway assured that they would all be enquired into. So far as I could see, there has been particularisation only in regard to two cases. The observations made in this House with regard to those two cases will be duly communicated to the Honourable the High Court, for enquiry and necessary action; and I am sure that the Honourable the Chief Justice who is primarily responsible for these matters, will promptly take the necessary action. I need hardly say that interference with judicial officers, such as by censuring them, on mere allegations or accusations of corruption or inefficiency, is wrong on principle. In fact to censure any officer on mere suspicion or merely on the basis of an accusation is not right. Honourable members are aware of the very wholesome maxim of criminal law that we could rather let one hundred guilty men escape than punish one innocent man. That maxim applies to a great extent to officers also. No officer should be condemned unless there is definite proof against him. Of course, it is not at all desirable that any officer should be allowed to remain corrupt. But it is equally undesirable that any innocent officer should be punished on mere suspicion or on mere accusation. This should be the ordinary rule in regard to all officers, as indeed in regard to all human beings; but this rule must hold good with much greater appropriateness in the case of judicial officers. Sir, the function of the judicial officers is peculiarly onerous. It is not merely enough that they adjudge rightly and with justice between party and party; they should also give the impression to the general public that justice has been done. (Mr. M. N. Parameswaran Pillai: *Hear, hear.*)

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Mr. P. Padmanabhan Tampi: What about the case that I specifically referred to? Will my honourable friend enquire into it?

Mr. Kayalam Paramesvaran Pillai: As I said, Sir, the observations made here will be communicated to the Honourable the Chief Justice, and I am sure he will make the necessary enquiries and do the needful.

Mr. P. Padmanabhan Tampi: Who will enquire into the matter if the Chief Justice himself is involved in it? (*Laughter.*)

Mr. Kayalam Paramesvaran Pillai: Non-the less he will enquire into it and do right. (*Laughter.*)

Sir, I am sure that the observations made in this House will be given due weight. I have not the slightest doubt about that.

The council adjourned for lunch at 1 P. M. and re-assembled at 2 P. M. with Mr. M. Govindan, one of the panel of Chairman in the Chair.

Mr, Kayalam Paramesvaran Pillai: Sir, before we rose for lunch I was proceeding to say that to take any disciplinary action against a judicial officer, even if it be as a mark of mere displeasure, on mere suspicion would be doubly injurious. First of all the fact would remain that a person has been punished without sufficient proof and therefore that possibly it is an innocent man that was punished. Besides that, if Government take action in such cases, the complaint will arise that Government are trying to interfere with the judiciary. The punishment must ultimately come from the Government in regard to these officers and if it is not a clearly proved case, a complaint, with great justification, may be made that Government are trying to interfere with the judiciary. Even this House may say that Government are trying to dominate over the judiciary. That impression should not be allowed to gain ground. I am not speaking of mere possibilities. Even in this House we heard to-day Mr. Narayana Aiyar complaining that one reason for the inefficiency or the bad work turned out by the judiciary is the overlooking of the claims of certain judicial officers. I do not say that any claims were overlooked or that if they were so overlooked it was not for sufficient reason. But we see in this criticism how some people would view things, if Government overlook the claims of any judicial officer. Mr Narayana Aiyar's suggestion was that Government are trying to influence the judiciary. That remark may be justified or unjustified. But, in any event, to give room for such an impression to be created is bad in the matter of judicial administration. Look again at another remark made by Mr. Narayana Aiyar. He seems to think that the Excise Commissioner made a remark in his report that the punishment awarded by the Magistrates in Excise cases is too lenient,

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[Mr. Kayalam Paramesvaran Pillai]

That is canvassed by Mr. Narayana Aiyar to say that there is interference with the judiciary. What the Excise Commissioner said was that he reports the matter to Government so that Government may take the appropriate steps. It is of course open to any officer of Government to express his own views. I am not trying to justify what the Excise Commissioner said nor do I say that his remark was wrong. But it will be noticed that when such a remark is made obviously with the best of motives, Mr. Narayana Aiyar says," Look at this. You are interferingwith the judiciary". Therefore, every Government should be careful as to how they deal with the judicial officers. A judicial officer should be allowed to function uninfluenced by considerations of favour or fear. That is absolutely necessary. Therefore in the matter of taking action against a judicial officer every Government has to proceed with great caution; they must be reasonably certain that the offence in respect of which action is taken will be considered by the right thinking people to have been proved against the officer.

Mr. G. Narayana Aiyar: When the head of the department makes a recommendation to Government about the action of a judicial officer, is not that an attack on the exercise of privilege of that officer?

Mr. Kayalam Paramesvaran Pillai: Every counsel makes a statement of that sort, say in an appeal memorandum, for instance, that the judgment of the lower court is wrong. In like manner the officer of Government appeals to the Government to take action. And, how does the Government take action? One way is to instruct their law officers to put in a petition to the High Court. That, Sir, does not mean interference with the judiciary. But the House will notice that there are honourable members of this very House to say that that is an interference with the judiciary. If that be so it will be seen how carefully or cautiously Government have to move in the matter of punishing judicial officers. And the Government cannot take any action against judicial officers as they may perhaps against other officers. For, it may be construed as an attempt on the part of the executive to interefere with the judiciary. I am not speaking of any particular case mentioned to-day by the honourable members. They may or may not be true. In any event it must be conceded that there can be no question of corruption or inefficiency in these cases. If in a particular case Government take action on facts which have not been proved, there will be honourable members in this very House to say that "because a judicial officer took a judicial view in some judicial matter Government have interfered".

Mr. E. P. Varghese (*Nominated*): Does it not betray inefficiency?

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Mr. Kayalam Paramesvaran Pillai Not necessarily. In a matter like this Government cannot sit as a judge. That will be much more injurious to the State than to allow such things to remain there, as it is. However, may I not suggest that every criticism made here will itself have proper influence in the proper quarters? I shall certainly bring the debate to the notice of the Chief Justice for such action as he may deem proper.

Chairman: I put to the vote of the House Mr. John Kattakayam's motion.

Mr. J. John Kattakayam: I demand a poll. A poll was taken with the following results :

AYES 14.

1.	Mr. A. N. Visvanatha Pillai	8.	Mr. M. P. Madhavan Pillai
2.	,, K. Sankaralingam Pillai	9.	,, M. N. Paramesvaran Pillai
3.	,, N. Ramakrishna Pillai	10.	,, P. Padmanabhan Tampi
4.	,, Tariatu Kunjitommen	11.	,, N. K. Padmanabha Pillai
5.	,, K. Madhavan Pillai	12.	,, K. Padmanabha Panickar
6.	,, J. John Kattakayam	13.	,, K. P. Nilakanta Pillai
7.	,, V. S. Arumukham Pillai	14.	,, M. N. Narayana Menon

NOES—18.

1.	Rao Bahadur Dr. N. Kunjan Pillai	10.	Mr. R. Dhanukoti Pillai
2.	Mr. K. N. Kesava Pillai	11.	,, E. P. Verghese
3.	Rao Bahadur A. Rengasvami Aiyar	12.	,, Komilezhathu Sankaran
4.	Mr. K. George	13.	,, K. Rama Varma Raja
5.	,, N. K. Padmanabha Pillai	14.	,, C. M. Joseph
6.	,, Kayalam Paramesvaran Pillai	15.	,, Kochickal P. Balakrishnan Tampi
7.	,, C. O. Madhavan	16.	,, Eric Hall
8.	,, R. Pitchu Aiyangar	17.	,, Sayed M. Bava
9.	,, C. V. Chandrasekharan	18.	,, S. Piraviperumal Pillai

NEUTRAL— 1

Mr. G. Narayana Aiyar.

The motion was declared lost 14 voting for the motion, 18 against and one remaining neutral.

Chairman: I put to the vote of the House Demand VIII Administration of Justice for Rs. 10,76,241.

The motion was carried.

The grant was made.

DEMAND IX—POLICE.

Mr. R. Pitchu Aiyangar: Sir, I move for a grant not exceeding Rs 7,48,422 under Demand IX— Police.

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